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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/536,383	03/28/2000	Sandra K. Richardson	M3653.0001/P001-B	5614

24998   7590   02/25/2003

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EXAMINER
THOMPSON JR, FOREST

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 02/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 November 2002</u> .

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,6-8 and 10-27</u> is/are pending in the application.

    4a) Of the above claim(s) <u>13-17 and 19-27</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,6-8,10-12 and 18</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>28 March 2000</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
            application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____ .

DETAILED ACTION

Response to Amendment

1.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action (See Paper No. 5). The text of those sections of Title

35, U.S. Code not otherwise provided in a prior Office action will be included in this

action where appropriate.

2.   Amendment A filed on 11/27/2002 (see Paper #6) has been entered.

Amendment A amended the specification, amended claims 1, 6, 7, 8, and 10, cancelled

claims 2-5 and 9, and added new claims 11-27. Claims 1, 6-8, and 10-27 are pending.

Election/Restrictions

3.   Newly submitted claims 13-17 and 19-27 are directed to an invention that is

independent or distinct from the invention originally claimed for the following reasons:

-      Original claims 1-10 were directed toward a method and apparatus for planning

tasks, or as amended, a method and apparatus for monitoring and managing a project.

-      New claims 13-17, 19-23, and 24-27 are directed to determining compensation

and payments for human participants and/or their organizations.

Since applicant has received an action on the merits for the originally presented

invention, this invention has been constructively elected by original presentation for

prosecution on the merits. Accordingly, claims 13-17 and 19-27 are withdrawn from

consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and

MPEP § 821.03. Claims 1, 6-8, 10-12, and 18 are pending.

4.   Claims 1, 6-8, 10-12, and 18 have been examined.

Drawings

5.   New corrected drawings are required in this application because the drawings

contain edits and smudges that are unacceptable on formal drawings. Figures 1-11

contain copying marks and smudges. Figure 11 contains numerous handwritten

identifiers. Figures 5-11 have indistinct features due to the copying process for the

drawings submitted by applicant. Applicant is advised to employ the services of a

competent patent draftsperson outside the Office, as the U.S. Patent and Trademark

Office no longer prepares new drawings. The corrected drawings are required in reply to

the Office action to avoid abandonment of the application. The requirement for

corrected drawings will not be held in abeyance.

Double Patenting

6.   Claims 1-10 were provisionally rejected in Paper #5 under the judicially created

doctrine of double patenting over claims 1-10 of copending Applications No. 09/536,277

and 09/536,383. This was a provisional double patenting rejection since the conflicting

claims had not yet been patented. Applicant's amendment overcomes the rejection.

Therefore, examiner withdraws the rejection.

Claim Rejections - 35 USC § 102

7.   Claims 1-10 were rejected in Paper #5 under 35 U.S.C. 102(b) as being anticipated by William R. Duncan, "A Guide to the Project Management Body of Knowledge," Project management Institute, 1996, hereafter referred to as Duncan. Applicant's amendment A overcomes the rejection as presented. Therefore, examiner withdraws the previous rejection.

8.   Claims 1, 6-8, 10-12, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Duncan.

Claims 1, 10, 18:   Duncan discloses

-       breaking a current project into a plurality of tasks, wherein the performance of each task is tracked on the basis of at least one task related event (pg. 30-32, para. 3.3.2; pg. 59, para. 6.1);

-       setting a tasking horizon based on a predetermined time internal (pg. 30-32, para. 3.3.2; pg. 170), described in the context of target finish date determination and schedule development;

-       associating at least two verbs with said at least one task related event for each of said plurality of tasks (pg. 46, para. 4.3.3.3), where verbs and language are encompassed by lessons learned;

-       receiving a respective predicted date for at least one task related event (pg. 31; fig. 3-5 [6.3]), which is disclosed in activity duration estimating;

-        receiving a corresponding actual date for each task related event for which a

predicted date was received (pg. 31; fig. 3-5 [6.4]; pg. 159), which is disclosed as

schedule development, activity definition and actual start date;

-        for each actual date received, receiving a verb associated with the respective

task related event, said received verb being one of said at least two verbs (pg. 31; fig. 3-

5 [6.4]; pg. 159), which is disclosed as schedule development, activity definition and

actual start date; and

-        tracking the performance of said project in real time based at least in part on the

predicted dates, actual dates and verbs received for each of said task related events

(pg. 31; fig. 3-5 [6.3, 6.4]; pg. 159);

         capturing at least the predicted dates, actual dates and verbs received for each

of said task related events and updating the project status based on the captured

information, to thereby provide accurate and real time data regarding said current

project and said plurality of tasks of said project (pg. 31; fig. 3-5 [6.3, 6.4]; pg. 159);

-        at least one task assignment station (pg. 96; fig. 9-2);

-        said management module and said task assignment station are operationally

connected (pg. 8-10, para. 1.4-5; fig. 1-2);

-        said management module receives predicted dates and actual dates entered at

said task assignment station (pg. 31; fig. 3-5 [6.3]; pg. 31; fig. 3-5 [6.4]; pg. 159); and

-        a human resources module (pg. 93-101, Chapter 9).

Claim 6.   Duncan discloses computing a risk factor for at least one of said plurality

of tasks based on data of at least one of said computed churn and said received verb,

said data corresponding respectively to said at least one of said plurality of tasks (pg.

115-118, para. 11.2; fig. 11-1; fig. 11-2).

Claim 7.   Duncan discloses:

-      comparing said plurality of tasks of said current project to a plurality of tasks of at

least one past project (pg. 46; para. 4.3.3.3; fig. 6-1; para. 6.1.1.3; pg. 113 para.

11.1.1.3);

-      extracting previously performed task completion data for said plurality of tasks for

said at least one past project (pg. 46; para. 4.3.3.3; fig. 6-1; para. 6.1.1.3; pg. 113 para.

11.1.1.3); and

-      computing an expected task completion time for at least one of said plurality of

tasks of said current project based at least in part on said previously performed task

completion data (pg. 46; para. 4.3.3.3; fig. 6-1; para. 6.1.1.3; 6.1.3; pg. 113 para.

11.1.1.1-3).

Claim 8.   Duncan discloses:

-      comparing said plurality of tasks of said current project to a plurality of tasks of at

least one past project (pg. 46; para. 4.3.3.3; fig. 6-1; para. 6.1.1.3; pg. 113 para.

11.1.1.3);

-       extracting at least one risk factor associated with said plurality of tasks of said at

least one past project (pg. 46; para. 4.3.3.3; fig. 6-1; para. 6.1.1.3; pg. 113 para.

11.1.1.3); and

-       computing a risk factor for at least one of said plurality of tasks for said current

project based at least in part on said extracted at least one risk factor (fig. 11-1 [11.1.3;

11.2.2-3; 11.3.3; 11.1-3); as encompassed by the identification and quantification of

risk.

Claim 11.   Duncan does not specifically disclose computing churn for each task

related event for which a predicted date and an actual date was received, based on

differences between corresponding ones of said received predicted and actual dates

relative to said tasking horizon. However, Duncan does disclose the necessary

functionality for computing churn for each task related event for which a predicted date

and an actual date was received (pg. 107-108, para. 10.3; pg. 109 fig. 10-2; pg. 110 fig.

10-3; pg. 113, para. 11.1.1). Therefore, the claim is rejected.

Claim 12.   Duncan discloses the performance of said project is tracked in relation to

a work unit, said work unit comprising an individual, a team, a group, a branch, a

division, or an entire company (pg. 93-101, Chapter 9).

Response to Arguments

9.   Applicant's arguments with respect to claims 1, 6-8, and 10 have been

considered but are moot in view of the new ground(s) of rejection.

Conclusion

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Forest Thompson Jr. whose telephone number is (703)

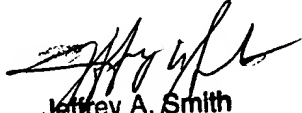306-5449. The examiner can normally be reached on 6:30-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wynn Coggins can be reached on (703) 308-1344. The fax phone numbers

for the organization where this application or proceeding is assigned are (703) 305-7687

for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

3900.

F. Thompson
February 21, 2003

Jeffrey A. Smith
Primary Examiner